

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-EIGHTH LEGISLATURE

SIXTY-SEVENTH LEGISLATIVE DAY
THURSDAY, MARCH 17, 2005

Senate Chamber

President Risch called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senator Burkett, absent and formally excused by the Chair; and Senators Bunderson, Langhorst, Pearce, and Stennett, absent and excused. [District 21 seat vacant.]

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Sam Vanderwall, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 16, 2005, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senator Stennett was recorded present at this order of business.

March 17, 2005

The JUDICIARY AND RULES Committee reports that **S 1209** has been correctly printed.

DARRINGTON, Chairman

S 1209 was referred to the Finance Committee.

March 16, 2005

The JUDICIARY AND RULES Committee reports that **S 1008, S 1009, S 1010, S 1030, S 1038, S 1039**, as amended, **S 1040, S 1052, S 1053, S 1054, S 1055, S 1056, S 1064, S 1065,**

S 1067, S 1068, as amended, **S 1069, S 1071**, as amended, **S 1072, S 1073, S 1081, S 1084, S 1100, S 1114, S 1125, S 1126, S 1137, S 1149, S 1175, S 1176, S 1177**, and **S 1178** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1008, S 1009, S 1010, S 1030, S 1038, S 1039**, as amended, **S 1040, S 1052, S 1053, S 1054, S 1055, S 1056, S 1064, S 1065, S 1067, S 1068**, as amended, **S 1069, S 1071**, as amended, **S 1072, S 1073, S 1081, S 1084, S 1100, S 1114, S 1125, S 1126, S 1137, S 1149, S 1175, S 1176, S 1177**, and **S 1178** and ordered them transmitted to the House for the signature of the Speaker.

March 16, 2005

The JUDICIARY AND RULES Committee reports that **S 1142**, as amended in the House, has been correctly engrossed.

DARRINGTON, Chairman

S 1142, as amended in the House, was filed for first reading.

March 16, 2005

The STATE AFFAIRS Committee reports out **H 214**, as amended, and **H 224** with the recommendation that they do pass.

BURTENSHAW, Chairman

H 214, as amended, and **H 224** were filed for second reading.

March 16, 2005

The FINANCE Committee reports out **H 316** with the recommendation that it do pass.

CAMERON, Chairman

H 316 was filed for second reading.

March 16, 2005

The EDUCATION Committee reports out **S 1172, SJM 109**, and **HCR 17** with the recommendation that they do pass.

GOEDDE, Chairman

S 1172 was filed for second reading.

SJM 109 and **HCR 17** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 16, 2005

The RESOURCES AND ENVIRONMENT Committee reports out **H 92** and **S 1191** with the recommendation that they be referred to the Fourteenth Order of Business for amendment.

SCHROEDER, Chairman

There being no objection, **H 92** and **S 1191** were referred to the Fourteenth Order of Business, General Calendar.

March 16, 2005

The JUDICIARY AND RULES Committee reports out **S 1196**, **S 1197**, and **H 97**, as amended, with the recommendation that they do pass.

DARRINGTON, Chairman

On request by Senator Darrington, granted by unanimous consent, **S 1197** was referred to the Fourteenth Order of Business, General Calendar.

S 1196 and **H 97**, as amended, were filed for second reading.

March 17, 2005

The FINANCE Committee reports out **S 1209** with the recommendation that it do pass.

CAMERON, Chairman

S 1209 was filed for second reading.

March 16, 2005

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 252**, **H 271**, and **H 261** with the recommendation that they do pass.

BUNDERSON, Chairman

H 252, **H 271**, and **H 261** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

Senator Bunderson was recorded present at this order of business.

March 16, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

S 1066

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

March 16, 2005

Mr. President:

I transmit herewith **H 215**, **H 253**, **H 277**, **H 269**, **H 300**, **HCR 21**, **H 327**, **H 328**, **H 329**, **H 330**, **H 338**, **H 339**, **H 340**, **H 341**, **H 342**, **H 313**, **H 299**, and **H 284**, as amended, which have passed the House.

JUKER, Chief Clerk

H 215, **H 253**, **H 277**, **H 269**, **H 300**, **HCR 21**, **H 327**, **H 328**, **H 329**, **H 330**, **H 338**, **H 339**, **H 340**, **H 341**, **H 342**, **H 313**, **H 299**, and **H 284**, as amended, were filed for first reading.

March 16, 2005

Mr. President:

I return herewith **S 1181**, **S 1185**, **S 1120**, **S 1153**, **S 1063**, as amended, and **SCR 113** which have passed the House.

JUKER, Chief Clerk

S 1181, **S 1185**, **S 1120**, **S 1153**, **S 1063**, as amended, and **SCR 113** were referred to the Judiciary and Rules Committee for enrolling.

March 16, 2005

Mr. President:

I return herewith Enrolled **S 1070** which has been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1070** was referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senators Langhorst and Pearce were recorded present at this order of business.

The President announced that **HCR 12** was before the Senate for final consideration.

Moved by Senator Werk, seconded by Senator Compton, that **HCR 12** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Compton, Corder, Darrington, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 31.

NAYS--None.

Absent and excused--Burkett, Coiner, Davis. Total - 3.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **HCR 12** adopted, title was approved, and the resolution ordered returned to the House.

The President announced the State Affairs Committee report relative to the Gubernatorial appointments of Andrea Wassner and Clarisse Maxwell was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator McKenzie, seconded by Senator Stennett, the Gubernatorial appointment of Andrea Wassner as a member of the Idaho Commission on Human Rights was confirmed by voice vote.

On motion by Senator McKenzie, seconded by Senator Stennett, the Gubernatorial appointment of Clarisse Maxwell as a member of the Idaho Commission on Human Rights was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare letters of the Gubernatorial appointment confirmations for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,
House Petitions, Resolutions, and Memorials**

S 1210

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS FOR THE IDAHO SCHOOL FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2006; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AUTHORIZING FUND DEPOSITS; AND EXPRESSING LEGISLATIVE INTENT WITH REGARD TO DECLINING ENROLLMENTS.

S 1211

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2006; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS TO THE ENVIRONMENTAL REMEDIATION FUND; EXPRESSING LEGISLATIVE INTENT REGARDING THE ENVIRONMENTAL REMEDIATION

FUND AND REQUIRING AN ANNUAL REPORT; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO USE OF THE WATER POLLUTION CONTROL FUND; AND EXPRESSING LEGISLATIVE INTENT THAT ANY UNEXPENDED AND UNENCUMBERED BALANCES IN THE BIG PAYETTE LAKE WATER QUALITY COUNCIL ADMINISTRATIVE ACCOUNT BE TRANSFERRED TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FUND.

S 1212

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF AGRICULTURE FOR FISCAL YEAR 2006; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

S 1213

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS FOR THE AGRICULTURAL RESEARCH AND COOPERATIVE EXTENSION SERVICE PROGRAM FOR FISCAL YEAR 2006.

S 1214

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE SOIL CONSERVATION COMMISSION FOR FISCAL YEAR 2006; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

S 1215

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF JUVENILE CORRECTIONS FOR FISCAL YEAR 2006; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; REAPPROPRIATING UNEXPENDED AND UNENCUMBERED BALANCES OF THE GENERAL FUND; AND SETTING FORTH THE CONDITIONS FOR THE REAPPROPRIATION.

S 1216

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 2006; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; REAPPROPRIATING UNEXPENDED AND UNENCUMBERED BALANCES OF THE GENERAL FUND; AND SETTING FORTH THE CONDITIONS FOR THE REAPPROPRIATION.

S 1217

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO IDAHO GRAPE GROWERS AND WINE PRODUCERS; AMENDING SECTION 54-3604, IDAHO CODE, TO PROVIDE THAT COMMISSION MEMBERS CURRENTLY SERVING SHALL CONTINUE TO SERVE UNTIL REAPPOINTED OR UNTIL A NEW MEMBER IS APPOINTED AND TO MAKE TECHNICAL CHANGES.

S 1218
BY JUDICIARY AND RULES COMMITTEE
 AN ACT

RELATING TO CONTROLLED SUBSTANCES; AMENDING CHAPTER 27, TITLE 37, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 37-2732D, IDAHO CODE, TO PROHIBIT CERTAIN CONDUCT RELATING TO THE USE OF CONTROLLED SUBSTANCES ENDANGERING CHILDREN, TO PROVIDE FOR PRIMA FACIE EVIDENCE, TO PROVIDE FOR THE CONSIDERATION OF DRUG TREATMENT OR DRUG COURT UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE AN EXEMPTION, TO DEFINE TERMS, TO SET FORTH PUNISHMENT, TO PROVIDE THAT HEALTH CARE PROFESSIONALS SHALL HAVE NO DUTY TO REPORT AND TO PROVIDE FOR IMMUNITY.

S 1219
BY JUDICIARY AND RULES COMMITTEE
 AN ACT

RELATING TO INSURANCE; AMENDING SECTION 41-4003, IDAHO CODE, TO REMOVE EXEMPTION LANGUAGE REFERENCING PLANS ADMINISTERED BY COUNTIES; AMENDING SECTION 41-4009, IDAHO CODE, TO PROVIDE FOR PETITIONS FOR EXEMPTIONS; AND PROVIDING AN EFFECTIVE DATE.

S 1220
BY JUDICIARY AND RULES COMMITTEE
 AN ACT

RELATING TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY; AMENDING SECTION 39-118, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO THE REVIEW OF PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF NEW SEWAGE TREATMENT WORKS AND NEW PUBLIC WATER SUPPLY SYSTEMS, WITH EXCEPTIONS; AND TO PROVIDE FOR APPOINTMENT OF A COMMITTEE OF LICENSED PROFESSIONALS TO ASSIST THE DEPARTMENT OF ENVIRONMENTAL QUALITY IN ESTABLISHING FACILITY STANDARDS AND DESIGN STANDARDS FOR NEW SEWAGE SYSTEMS, SEWAGE TREATMENT PLANTS OR SYSTEMS, OTHER WASTE TREATMENT OR DISPOSAL FACILITIES, PUBLIC WATER SUPPLY SYSTEMS OR PUBLIC WATER TREATMENT SYSTEMS.

S 1210, S 1211, S 1212, S 1213, S 1214, S 1215, S 1216, S 1217, S 1218, S 1219, and S 1220 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

S 1142, as amended in the House, by Health and Welfare Committee, was introduced, read the first time at length, and filed for second reading.

H 215, H 253, and H 277, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 269 and H 300, by State Affairs Committee, were introduced, read the first time at length, and referred to the State Affairs Committee.

HCR 21, by State Affairs Committee, was introduced, read at length, and referred to the State Affairs Committee.

H 327, H 328, H 329, H 330, H 338, H 339, H 340, H 341, and H 342, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

H 313, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 299, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 284, as amended, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 309, by Appropriations Committee, was read the second time at length and filed for third reading.

H 88, H 72, H 73, and H 74, by Business Committee, were read the second time at length and filed for third reading, Consent Calendar.

S 1200, S 1202, S 1203, S 1204, S 1205, S 1206, S 1207, and S 1208, by Finance Committee, were read the second time at length and filed for third reading.

S 1189, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

H 182, H 178, H 185, as amended, and **H 40**, by Transportation and Defense Committee, were read the second time at length and filed for third reading.

H 38, by Agricultural Affairs Committee, was read the second time at length and filed for third reading.

H 99 and H 264, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

H 202, by Judiciary, Rules, and Administration Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1193 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Call of the Senate was requested by Senators Darrington, Little, and Stegner.

Whereupon the President ordered the doorkeepers to lock the doors permitting no Senator to leave the Senate Chamber. The Sergeant at Arms was instructed to find and present any absent members to the Senate.

Roll call showed all members present except Senator Burkett, absent and formally excused by the Chair.

On request by Senator Darrington, granted by unanimous consent, the Call was lifted.

The question being, "Shall **S 1193** pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Burkett. Total - 1.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **S 1193** passed, title was approved, and the bill ordered transmitted to the House.

S 1194 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Burkett. Total - 1.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **S 1194** passed, title was approved, and the bill ordered transmitted to the House.

S 1195 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Burkett. Total - 1.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **S 1195** passed, title was approved, and the bill ordered transmitted to the House.

Senator Burkett was recorded present at this order of business.

H 296, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Williams. Total - 25.

NAYS--Andreason, Burkett, Darrington, Kelly, Langhorst, Malepeai, Marley, Stennett, Werk. Total - 9.

Paired and voting included in roll call:

AYE - McGee NAY - Malepeia

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 296** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Little, granted by unanimous consent, **H 297**, having been held, **H 64**, having been held, and **H 302** retained their place on the Third Reading Calendar.

H 303 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk. Total - 30.

NAYS--Andreason. Total - 1.

Absent and excused--Marley, McGee, Williams. Total - 3.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 303** passed, title was approved, and the bill ordered returned to the House.

H 304 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk.
Total - 32.

NAYS--None.

Absent and excused--McGee, Williams. Total - 2.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 304** passed, title was approved, and the bill ordered returned to the House.

H 305 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk.
Total - 32.

NAYS--None.

Absent and excused--McGee, Williams. Total - 2.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 305** passed, title was approved, and the bill ordered returned to the House.

S 1165, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Darrington and Burkett arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams.
Total - 33.

NAYS--None.

Absent and excused--McGee. Total - 1.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **S 1165** passed, title was approved, and the bill ordered transmitted to the House.

S 1164, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Darrington and Burkett arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams.
Total - 33.

NAYS--None.

Absent and excused--McGee. Total - 1.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **S 1164**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, Senate Finance bills were placed at the head of the Third Reading Calendar, followed by House Appropriations bills, followed by Senate bills, House bills amended in the Senate, and House bills.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:35 a.m. until the hour of 9:30 a.m., Friday, March 18, 2005.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary